

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:19-cv-00165-MR**

ROBERT H. JOHNSON,

Plaintiff,

vs.

KERI L. TRIPLETT, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court on the Plaintiff's *pro se* "Motion to Proceed on to Trial After Discovery Motions are Submitted and Because of Defendants Attorney Thomas Wilmoth's Conduct at Deposition of Plaintiff on March 29, 2021" [Doc. 76].

The incarcerated Plaintiff filed this action pursuant to 42 U.S.C. § 1983. The Complaint passed initial review on claims against Defendants Keri L. Triplett and Beth Berry, alleging an assault upon the Plaintiff at the Watauga County Detention Center ("WCDC").¹

In the present Motion, the Plaintiff asks the Court to allow the case to "go straight to trial after discovery motions are submitted" because the

¹ This case was assigned to Judge Frank D. Whitney at the time of initial review.

Defendants are “trying to do every lie and trick in the book to get out of this case....” [Doc. 76 at 1]. The Plaintiff also argues that defense counsel called him a liar at his deposition, whereas it was the attorney who lied and the Plaintiff seeks the opportunity to demonstrate this at trial.

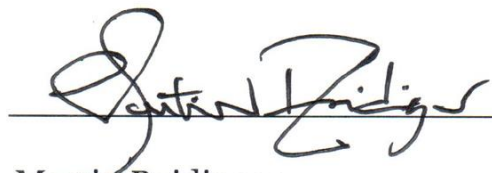
The Defendants have filed a Response [Doc. 83] stating that it is difficult to take a position because the Motion is unclear. They object to the Motion to the extent that the Plaintiff asks the Court to suspend the Federal Rules of Civil Procedure and forego considering dispositive motions.

The Plaintiff’s apparent disagreement with defense counsel about his own credibility and the merit of the case provides no basis for foregoing dispositive motions and proceeding straight to trial. Therefore, this Motion is denied.

IT IS, THEREFORE, ORDERED that the Plaintiff’s “Motion to Proceed on to Trial...” [Doc. 76] is **DENIED**.

IT IS SO ORDERED.

Signed: May 24, 2021



Martin Reidinger
Chief United States District Judge

